

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Curtis Lamar King,)	
)	
Plaintiff,)	
)	Civil Action No. 0:18-2856-BHH
v.)	
)	
Warden Aurther Burton; Brian Sterling;)	
Manthot, <i>Grievance Coordinator</i> , ¹)	<u>ORDER</u>
)	
Defendants.)	
_____)	

On September 24, 2020, the Court entered an amended order adopting the Magistrate Judge’s Report and Recommendation (“Report”), granting summary judgment in favor of Defendants Stirling and Montouth, and dismissing Defendant Burton pursuant to Rule 4(m). Plaintiff filed a notice of appeal and thereafter filed a motion requesting certain copies and submitted a check for \$30.00. (See ECF Nos. 153-55.) The Clerk’s office requested more specific information about the copies Plaintiff requested, which Plaintiff provided, and the Clerk’s office mailed to Plaintiff a number of copies. (See ECF Nos. 162-63.) Accordingly, it appears that Plaintiff’s motion for copies (ECF No. 153) is now moot.

On November 30, 2020, Plaintiff filed a “motion to proceed on dismissal without prejudice.” (ECF No. 167.) The Court has reviewed this brief, one-page filing and finds it unclear what relief Plaintiff requests. Next, on December 14, 2020, Plaintiff filed a motion to void judgment citing Rule 60(b)(1) and (4) of the Federal Rules of Civil Procedure. (ECF

¹ The correct name of Defendant “Brian Sterling” is Bryan Stirling, and the correct name of Defendant “Manthot” is Mary Montouth. Thus, the Court refers to these Defendants as “Stirling” and “Montouth” in this order.

No. 169.) After review of this motion, the Court finds Plaintiff's argument without merit. As previously mentioned, Plaintiff's case is currently on appeal, and at this time, the Court finds no basis to grant Plaintiff relief from judgment pursuant to Rule 60(b).

Accordingly, it is hereby **ORDERED** that Plaintiff's motion for copies (ECF No. 153) is denied as moot; Plaintiff's "motion to proceed on dismissal without prejudice" (ECF No. 167) is denied; and Plaintiff's Rule 60(b) motion (ECF No. 169) is denied.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

April 6, 2021
Charleston, South Carolina